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Security Council

Sixty-fifth year

Provisional

6463rd meeting

Wednesday, 22 December 2010, 11 a.m.

New York

President:	Mrs. DiCarlo	(United States of America)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Ms. Čolaković
	Brazil	Mrs. Dunlop
	China	Mr. Sun Xiaobo
	France	Mrs. Le Fraper du Hellen
	Gabon	Mr. Issoze-Ngondet
	Japan	Mr. Nishida
	Lebanon	Mr. Salam
	Mexico	Mr. Heller
	Nigeria	Mr. Onemola
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 1 November 2010 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2010/588)

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Letter dated 5 November 2010 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994, addressed to the President of the Security Council (S/2010/574)

The meeting was called to order at 11 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

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The President: Members of the Council have before them document S/2010/651, which contains the text of a draft resolution submitted by Austria.

I wish to draw the attention of the members of the Council to document S/2010/588, which contains a letter dated 1 November 2010 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council, and document S/2010/574, which contains a letter dated 5 November 2010 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Austria, Bosnia and Herzegovina, Brazil, China, France, Gabon, Japan, Lebanon, Mexico, Nigeria, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

Russian Federation

The President: The result of the voting is as follows: 14 votes in favour, none against and 1 abstention. The draft resolution has been adopted as resolution 1966 (2010).

I shall now give the floor to members of the Council who wish to make statements following the voting.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The Russian delegation abstained from the voting for the following reasons.

The adoption of resolution 1966 (2010) by the Council was a step it was forced to take as a result of the Tribunals' drawing out their activities. The work of the Tribunals was to end by the deadlines established by resolutions 1503 (2003) and 1534 (2004) within the framework of the completion strategy. The Tribunals had every opportunity to do so. However, that did not occur. We firmly believe that today's resolution is the last on the issue of the duration of the Tribunals' activities, and that they will be fully wound up by the end of 2014.

We welcome the contribution of the Austrian chairmanship of the Informal Working Group on International Tribunals in reaching today's very difficult compromise.

Mr. Parham (United Kingdom): The United Kingdom welcomes the adoption of this resolution, which makes arrangements for the continuation of essential legal functions of the International Criminal

Tribunal for the Former Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) following the completion of the Tribunals' trials and appeals, including by making provision for the trials of the remaining fugitives, who must be brought to justice.

The resolution requests the ICTR and ICTY to take all possible measures to complete their remaining work as provided by the resolution by the end of 2014. In making that request, we encourage both Tribunals to continue to explore all steps to ensure completion without further delay, while respecting the need for due process and judicial independence.

Mr. Nishida (Japan): At the outset, I would like to express Japan's sincere appreciation for the tremendous efforts by Austria, in its capacity as Chair of the Informal Working Group on International Tribunals, which have crystallized into the resolution we have just adopted on the residual mechanism.

The establishment of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda was the manifestation of the full determination of the international community not to tolerate impunity. The Tribunals have contributed significantly to the furtherance of international criminal justice.

Today, we, the members of the Security Council, have decided to establish the residual mechanism, the extremely important organ that will take over essential functions and maintain the legacies of the Tribunals. Bearing in mind the lofty mission of the mechanism, Japan will cooperate in the implementation of this resolution to the best of its ability, in accordance with the spirit of internationally established principles on criminal matters and within the framework of our Constitution.

Finally, we would like to call upon the Tribunals to complete their work expeditiously. We also call on all States and organizations concerned to continue their cooperation for the realization of a smooth transition to the mechanism, so that we may continue to move forward without any delay in our fight against impunity.

The President: I shall now make a statement in my capacity as the representative of the United States.

The resolution we have adopted today creating a durable and appropriate institution that will outlast the Tribunals themselves and complete their functions assures the legacy of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. We applaud the work of the Austrian Chair of the Informal Working Group on International Tribunals, Ambassador Mayr-Harting, as well as the support of the Office of Legal Affairs and the Tribunals themselves in getting this important task accomplished.

I now resume my functions as President of the Council.

Mr. Mayr-Harting (Austria): Today's adoption of resolution 1966 (2010), establishing the residual mechanism for criminal tribunals, is a very important step in the field of international criminal justice. The establishment of the residual mechanism sends a strong Security Council message against impunity. The high-level fugitives indicted by the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda cannot escape justice. The legacy of these two courts will also be preserved. At the same time, the resolution sends a clear signal to the Tribunals to take all possible measures to expeditiously complete their work, prepare their closure and ensure a smooth transition to the mechanism.

In view of our long-standing focus on the rule of law, Austria was happy and honoured to be able to chair the Informal Working Group on International Tribunals and to facilitate the adoption of today's resolution. I would very much like to thank all delegations for their spirit of compromise, which made the adoption of today's resolution possible. I also wish to thank the Secretariat and, in particular, the Office of Legal Affairs for the invaluable support they have provided to the Working Group during the past two years.

The President: The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 11.10 a.m.